



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission September 16, 2015

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 7:03 p.m., Wednesday, September 16, 2015, at the Buena Vista Community Center, Piñon Room, 715 E. Main Street, Buena Vista, Colorado by Vice-Chairman Mark Jenkins. Also present were Commissioners Estes Banks, Annie Davis, Preston Larimer, Scott Johnson, and Tim Bliss. Staff Present: Interim Planner Greg Thompson and Administrative Assistant Melanie Jacobs.

PLEDGE OF ALLEGIANCE

Vice-Chairman Jenkins led in the Pledge of Allegiance.

ROLL CALL

Jacobs proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Jenkins suggested modifying the agenda to put the project at 414 E Main St first, as the applicant in that matter was the only audience member present. Larimer motioned for approval of the agenda as amended. Davis seconded and **Motion #1** carried.

APPROVAL OF MINUTES

Davis motioned for approval of the September 2, 2015 minutes. **Motion #2** was seconded by Larimer. Motion carried.

PUBLIC COMMENT

Jenkins opened the public comment portion of the hearing at 7:04pm. With no comments received, the public comment portion of the hearing was closed at 7:04pm.

NEW BUSINESS

302 N Hwy 24 Comprehensive Sign Plan

This agenda item was initially skipped, as the applicant did not attend the meeting. Commissioners returned to this matter after the other New Business items had been discussed. Thompson noted that the applicant's Comprehensive Sign Plan had already been approved, and the issue was coming back before the Commission to address the proposed LED sign. As town staff and the applicant were not in accord regarding this request, Thompson stated he did not feel it advisable to proceed with the hearing in the applicant's absence. Commissioners concurred and Davis motioned to continue the hearing on signage at 302 N Hwy 24 until the applicant was able to attend. Banks seconded, and **Motion #3** passed unanimously.

South Main Plat Amendment

Thompson explained that the applicant was requesting approval for a fourth plat amendment to Phase 1 of the South Main development. This amendment would do two things: create a parcel for the anticipated hotel (block 1, lot 1), and add two lots to an undeveloped area (block 2, lots 9 and 10). Thompson informed the Commission that the concerns raised in the staff report had all been addressed in the applicant's most recent submittal, and went briefly over the criteria for approval. He ended by noting that staff recommended approval of the amendment as presented.

Banks raised the issue of parking: he does not believe the parking currently available in South Main will be adequate to serve the new hotel. Jenkins requested that the Commission return to this issue during discussion of the Special Use application.

Jed Selby of 901 South Main St, applicant, stepped to the podium to speak. He stated that all 3 of the new lots were zoned for mixed-use, and he believes at least one of the lots in block 2 will be used as a single-family residence. He also mentioned that all the lots would be served by existing infrastructure.

After ascertaining that Selby had no further comment on the amendment application, Jenkins closed the public hearing. Davis motioned to recommend Trustee approval of the fourth amendment to Phase 1 of South Main, creating three new lots (block 1, lot 1; block 2, lots 9 and 10). Larimer seconded **Motion #4** and it passed without dissent.

1012 South Main Special Use (Hotel)

Thompson introduced the project, informing the Commission that the applicant was seeking approval of a Special Use permit for a 44-unit hotel (in block 1, lot 1), along with a building height exception (44' instead of 35'), an encroachment permit for colonnades (to be located to the south of the hotel and in town-owned Lot D to the east), an outdoor dining permit (involving seating in the ROW, Lot D, and on both sides of the trail that runs through the area), and an insubstantial PUD amendment (to include this site in Phase 1). The lot in question is zoned R-2 within the South Main PUD overlay. A hotel is allowed as a special use in this zone. Thompson remarked that the permit should run with the land in this case, and would be valid for a year.

Moving on to concerns raised by referral agencies about this project, Thompson noted that both the Buena Vista Fire Chief and Chaffee County Fire personnel had certain reservations about the plan as presented. First, the height of the building could be an issue, as Buena Vista Fire does not have a ladder truck. Their equipment can only reach the bottom of the 3rd floor balcony. Chaffee County does have such a vehicle, but there is no guarantee that it would be able to respond quickly in an emergency. Second, the location of the loading zone (immediately south of the hotel on Front Loop) could lead to access problems for fire engines. Any vehicles present in the loading area during an emergency would have to be moved in order to provide enough space for the trucks to get in. Fire staff has also requested that certain trees be removed, and that load-bearing structural soils be utilized in a certain area to accommodate the weight of fire equipment. Public Works expressed concern about allowing a town street to be used as a loading zone.

Thompson stated that town staff was not in favor of allowing outdoor restaurant seating to be located on the eastern side of the trail, and would like to see it restricted to the western side only to reduce possible conflict between wait staff/restaurant patrons and the users of the trail. The Trail Board expressed its disapproval of the plan at a recent meeting. The proposed arrangement could also cause difficulties with liquor licensing, as alcohol can only be served and consumed in defined, private areas.

In terms of parking, 69 total spaces have been identified for use by hotel staff and patrons. Five of these are on-site on the west side of the hotel, and the other 64 are on-street. This meets PUD requirements. The proposed use is compatible with the neighborhood, and all utilities/infrastructure needed to serve the hotel are already in place. Site design issues (landscaping, lighting, signage, fencing, screening/buffering, trash enclosure, etc.) will be addressed by staff as the project progresses, and brought to the Commission for review when necessary.

Thompson closed his presentation by stating that staff recommended approval of the special use permit with the following conditions: 1) the applicant must work with the Buena Vista and Chaffee County Fire Departments to address their concerns, 2) the site plan must be redesigned to provide clear access to the trail and locate restaurant seating on the west side of the trail only, and 3) all site design issues must be resolved before a building permit is submitted. In regard to the accompanying applications, staff recommended approval of the building height exception (providing all fire issues are addressed), approval of the encroachment and outdoor dining permits (with tables to the west side of the trail only), and approval of the PUD amendment to include this site in Phase 1.

Larimer, Banks, and Johnson expressed concern about the proposed parking arrangement, specifically in regard to how the increased number of cars parked on-street in South Main would affect residents, patrons of neighborhood businesses, and snow removal efforts.

Selby stated that as South Main is still in Phase 1 of its development, some of its pieces are going to fit awkwardly together for the time being. The front desk of the hotel will be staffed 24 hours a day and valet parking will be offered to guests, resolving part of the parking problem. In addition, there is a lot north of the Surf Chateau that could accommodate 20 parking spaces and will likely be paved for use as a parking lot in future phases. He expressed a willingness to grade the dirt lots currently used for parking, and to do some dust control in those areas. Banks suggested that he put up signage as well indicating that these lots are intended for parking. Selby maintained that snow removal from streets is an issue that affects the entire town, and could be addressed with signage and ticketing (to prevent overnight parking in certain areas so plows can get through).

Selby indicated that he had met with fire personnel and went with them on a tour of the site. He has already adjusted the parking plan in accordance with their suggestions, will remove trees if necessary, and will use structural soils in the requested area to bear the weight of fire equipment. The hotel will be equipped with a sprinkler system and will meet all fire codes. Selby plans to work with vendors to coordinate access to the loading zone, and will ensure that front desk staff is aware of the need to clear that area in the event of emergency.

Selby also stated that he needs to raise the projected height of the hotel to 46' rather than 44', based on the latest building plans. He remarked that PUD rules allowed building height exceptions to be approved administratively; Thompson let Commissioners know that Town Administrator Reitter had intentionally forwarded all applications to them for consideration, so they would be informed of all aspects of the project.

Johnson asked about the encroaching colonnades. Selby explained that they will extend 8' out over a 15'-wide sidewalk on the south side of the hotel, leaving 7' of uncovered walkway available.

Jenkins asked Commissioners if anyone had an objection to the proposed 46' building height; no one did. Davis motioned to accept the building height exception of 46', provided Fire Department approval is obtained. Larimer seconded and **Motion #5** passed unanimously.

Selby moved on to the trail issue, stating that the section of the outdoor seating area to the east of the trail was intended to allow customers to dine along the river. PUD rules stipulate that 5' must be kept clear for sidewalks; he plans to leave 8' clear for the trail, and to pave it with concrete through the restaurant area. He is still working on an arrangement that will satisfy liquor licensing requirements and regrets that he was not given the opportunity to speak with the Trail Board. He showed the Commission some photos of other outdoor seating arrangements that straddle walkways and said that he is trying to achieve the same sort of environment with the restaurant.

Jenkins closed the public hearing at this point. Davis motioned to recommend approval of the encroachment and outdoor dining permits as presented. **Motion #6** was seconded by Banks and passed without dissent.

Jenkins then reopened the public hearing to return to the issue of parking. Selby stated that his plan was in accordance with PUD regulations in that regard. Banks opined that Selby was extending Phase 1 and in so doing was creating an additional parking issue, as providing more spaces would not be required until Phase 2. Selby countered by asserting that Phase 1 already included more parking spaces than were initially required. Thompson said that from a staff perspective, Selby had allocated sufficient parking for the hotel to satisfy PUD requirements. Jenkins closed the public hearing.

Davis motioned to recommend approval of the Special Use permit for block 1, lot 1 subject to the conditions already discussed in prior motions; to recommend approval of the insubstantial PUD amendment; and to require the applicant to resolve site design issues. **Motion #7** was seconded by Larimer and passed without dissent.

414 E Main Special Use & Variance

Thompson explained that the Special Use application pertained to a 1,500sf Accessory Dwelling Unit (ADU) to be located on the second floor of the building at this address. The space had previously been used as a residence, but as more than 6 months have passed since this was the case, approval for this use must be renewed. The applicant plans to eliminate the existing parking on the west side of the building and move it to the rear of the property, where 3 spaces would be available. This should be adequate for the ADU, as should the available utilities, ingress/egress arrangements, and the plan for trash disposal. The applicant will landscape the current parking area, with an eye toward making it an attractive space that will draw patrons into the Jailhouse Gallery. Staff recommended approval of the Special Use application as presented.

The Variance application seeks approval to provide fewer on-site parking spaces than the Code requires. Staff believes that the 3 proposed on-site spaces (in the existing 3-car garage) will be sufficient for this lot, and the addition of landscaping along E Main St will be a positive contribution to the downtown area. Staff therefore recommended approval of the Variance without conditions.

Jenkins inquired about the size of the ADU: does it not go over the square footage limit for ADUs, according to Code? Thompson indicated that because this was a previously existing use, it can be continued. Banks expressed a desire to see a landscaping plan as part of the application.

John Hughes of 704 Buzz Blvd, applicant, was present in the audience and stepped forward to speak. He stated that cars parked in the current lot block the view of the Jailhouse Gallery's storefront, and that access to these spaces could disappear in any case if the Forest Service (which owns the lot to the west) were to sell the property, since it is only possible to pull into these spaces by swinging out onto the neighboring lot. Hughes plans to continue to use the sign located near the sidewalk, and to put in landscaping similar to that around Louie's Ice Cream. It is his intention to beautify the area in order to draw in more foot traffic. He would also like to provide a small area for use by a temporary vendor of some kind.

Jenkins closed the public hearing and asked for feedback from Commissioners. There was consensus in favor of the plan. Davis motioned to recommend approval of the Special Use permit to locate an ADU at 414 E Main St, as presented. Banks seconded **Motion #8** and it passed unanimously. Larimer motioned to recommend approval of a Variance to allow less parking than required by Code at 414 E Main St. Davis seconded, and **Motion #9** passed unanimously.

STAFF / COMMISSION INTERACTION


Thompson drew Commissioners' attention to the final page of their packet, which was an invitation to attend a "Boards and Commissions Basics Workshop" in Denver in late October. He asked that anyone interested in going to the class get in touch with town staff so arrangements could be made.

Tim Bliss was welcomed to the Commission as an alternate.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Davis motioned to adjourn the meeting at 9:43pm. Commissioner Banks seconded. **Motion #10** was unanimously approved.

Respectfully submitted:


Mark Jenkins, Vice-Chairman


Melanie Jacobs, Administrative Assistant